

1 The Honorable Michelle L. Peterson
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7 UNITED STATES DISTRICT COURT
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WESTERN DISTRICT OF WASHINGTON AT SEATTLE

NANNETTE BASA,
v.
BRAND SHARED SERVICES, LLC,
Defendant.

Plaintiff,

No. 2:21-cv-00754-MLP
DECLARATION OF ALEX J. HIGGINS
IN SUPPORT OF PLAINTIFF'S
OPPOSITION TO DEFENDANT'S
MOTION FOR PROTECTIVE ORDER

I, Alex J. Higgins, am one of the attorneys for the plaintiff in the above-entitled matter. I am over the age of 18 and am competent to testify regarding the matters discussed below. I make this declaration based upon personal knowledge. I swear that the following is true and correct under the penalty of perjury.

1. Attached to this declaration as **Exhibit 1** is an excerpted copy of the deposition transcript of Karen Riapos, which was conducted on June 3, 2022.

2. Attached as **Exhibit 2** is a pair of emails produced by Brand during discovery relating to the interviewing and hiring of Wes Powell as a contract recruiter, with bates numbers BRAND000087-89. Attached as **Exhibit 3** is an email produced by Brand during discovery relating to the termination of Nannette Basa, with bates numbers BRAND000062-63.

1 3. Attached as **Exhibit 4** is an excerpted copy of Brand's supplemental answers to
2 Plaintiff's first set of discovery requests, dated January 14, 2022.

3 4. Attached as **Exhibit 5** is a copy of an email produced by Brand in discovery,
4 with bates numbers BRAND004807-08. The subject of the email, dated July 21, 2020, is
5 "Meg/Karen 1:1", and contains a list of subjects for a meeting between Karen Riapos and Meg
6 Newman. During our discovery conference with Defense counsel regarding the Newman
7 deposition, I repeatedly referenced this document as an example as to the relevance of
8 Newman's testimony. In addition, Defense counsel was certainly aware of this document
9 before, as it was made an exhibit during Karen Riapos's deposition. (Limited redactions were
10 made at the request of Brand's counsel.)

11 5. Attached as **Exhibit 6** is an excerpted copy of Brand's organization chart for
12 human resources as of August 2020. It was produced by Brand in discovery in the form of an
13 attachment to a responsive email. The full document has bates numbers BRAND004987-5003.
14 We are providing pages BRAND004987-88, and BRAND004994.

15 6. Attached as **Exhibit 7** is a copy of an email produced by Brand in discovery,
16 with bates numbers BRAND001637-39. It is an email chain that begins with a message from
17 Nannette Basa to Meg Newman, and later becomes a back-and-forth between Newman and
18 Riapos. (This document was also an exhibit to Riapos's deposition).

19 7. Attached as **Exhibit 8** is a copy of Brand's FRCP 26 Initial Disclosures, dated
20 September 10, 2021, which were produced by Brand's counsel. Meg Newman is explicitly
21 identified as a relevant witness. In preparing our client's initial disclosures, my co-counsel and
22 I came to the same conclusion—Newman is a relevant witness and, therefore, we also
23 identified her as a witness in our Initial Disclosures back in September 2021.

24 8. Brand makes an issue about some of our client's *post-termination* text
25 messages despite the fact that Brand has failed to produce a single text message in this case.

1 Nonetheless, Plaintiff's attorneys – not the Plaintiff herself – concluded that we should take the
2 deposition of Meg Newman for the reasons set forth in our brief.

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4 SIGNED this 7th day of September, 2022, at Seattle, Washington.

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6 *s/Alex J. Higgins*
7 Alex J. Higgins, WSBA No. 20868
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